

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING PATENT OR TRADEMARK
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern California on the following ☐ Patents or ☒ Trademarks:

DOCKET NO. 2:11-CV-01147-WBS -DAD	DATE FILED 4/28/11	US District Court Eastern California Sacramento
PLAINTIFF CYTOSPORT, INC.,		DEFENDANT MONSTER MUSCLE, INC.,
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 2,904,119	November 23, 2004	Monster Food
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In the above-entitled case the following patents(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleadings		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
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In the above-entitled case, the following decision has been rendered or judgment issued:

DECISION/JUDGMENT

CLERK	(BY) DEPUTY CLERK	DATE
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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CYTOSPORT, INC.,

2:11-CV-01147-WBS -DAD

Plaintiff,

vs.

ORDER RE: STATUS
(PRETRIAL SCHEDULING)
CONFERENCE

MONSTER MUSCLE, INC.,

Defendants.

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This action has been assigned to the undersigned judge.

**Failure to comply with the requirements enumerated in this Order
may result in sanctions.** Pursuant to the provisions of Federal
Rule of Civil Procedure 16, IT IS ORDERED that:

1. A Status (Pretrial Scheduling) Conference is set for
8/22/11 at 2:00 p.m. before the undersigned judge in COURTROOM: 5 .
At least twenty-one (21) calendar days before the scheduling
conference is held, the parties shall confer and attempt to agree
upon a discovery plan, as required by Federal Rule of Civil

1 Procedure 26(f).

2 2. Pursuant to Local Rule 240, the parties shall submit
3 to the court a JOINT Status Report **fourteen (14) calendar days**
4 prior to the hearing date, which shall contain:

5 (a) brief summary of the claims;

6 (b) a statement as to the status of service upon all
7 defendants and cross defendants;

8 (c) a statement as to the possible joinder of additional
9 parties;

10 (d) any contemplated amendments to the pleadings;

11 (e) the statutory basis of jurisdiction and venue;

12 (f) a written report outlining the proposed discovery
13 plan required by Federal Rule of Civil Procedure 26(f);

14 (g) a proposed cut-off date by which all discovery shall
15 be concluded;

16 (h) a proposed date by which all motions shall be filed
17 and heard;

18 (i) any proposed modification of standard pretrial
19 proceedings due to the special nature of the action;

20 (j) the estimated length of trial;

21 (k) a statement as to whether the case is related to any
22 other case, including any matters in bankruptcy;

23 (l) any other matters discussed in Local Rule 240 that
24 may add to the just and expeditious disposition of this
25 matter; and

26 (m) a statement by any nongovernmental corporate party
27 identifying all of its parent and subsidiary corporations and
28 listing any publicly held company that owns 10% or more of the

1 party's stock. If any nongovernmental corporate party has no
2 parent or subsidiary corporations or no publicly held companies
3 owning 10% or more of its stock, it shall so state in the Joint
4 Status Report. Thereafter, if there is any change in the
5 information, the party shall file and serve a supplemental
6 statement within a reasonable time after such change occurs
7 **Failure to comply with the requirements of this subpart will**
8 **result in the Joint Status Report being stricken and sanctions**
9 **being ordered against any nongovernmental corporate party that**
10 **did not submit its corporate disclosures.**

11 The court has an obligation to recuse itself from any
12 case in which the judge might have a "financial interest,"
13 however small. 28 U.S.C. § 455(b)(4). The purpose of the
14 corporate disclosure requirement in subpart (m) of this Order is
15 to assist the court in carrying out this obligation, because
16 corporate parties are in the best position to identify their
17 parent and subsidiary corporations. Without this information,
18 the court risks retaining a case in which it unknowingly has a
19 financial interest. As a consequence, not only would the
20 undersigned judge face public criticism, the public's confidence
21 in an impartial judiciary would be eroded. Failure to assist the
22 court in protecting these and the other interests advanced by §
23 455(b)(4) --especially in the face of a clear and direct request
24 from the court--amounts to sanctionable conduct.

25 The requirement that corporate disclosures be included
26 in the parties' Joint Status Report does not negate a
27 nongovernmental corporate party's obligation to file a disclosure
28 statement "with its first appearance, pleading, petition, motion,

1 response, or other request addressed to the court" pursuant to

2 Federal Rule of Civil Procedure 7.1.

3 3. Concurrently with the service of process, or as soon
4 thereafter as possible, plaintiff shall serve upon each of the
5 parties named in the complaint, and upon all parties subsequently
6 joined, a copy of this Order, and shall file with the clerk a
7 certificate reflecting such service.

8 4. In the event this action was originally filed in a state
9 court and was thereafter removed to this court, the removing
10 party or parties shall immediately following such removal, serve
11 upon each of the other parties and upon all parties subsequently
12 joined a copy of this Order, and shall file with the clerk a
13 certificate reflecting such service.

14 5. All parties to the action shall appear by counsel (or in
15 person if acting without counsel). A FAILURE TO APPEAR AT THE
16 APPROPRIATE TIME WILL BE TREATED AS A FAILURE TO APPEAR AND MAY
17 SUBJECT COUNSEL TO SANCTIONS.

18 6. In appropriate cases, and after receiving the parties'
19 Joint Status Report, the court may issue a Status (Pretrial
20 Scheduling) Order without requiring a status conference. Unless
21 the parties have received such an order prior to the status
22 conference, the parties are required to attend the status
23 conference as scheduled.

24 DATE: April 28, 2011

25 WILLIAM B. SHUBB
26 SENIOR UNITED STATES DISTRICT JUDGE

27 by: /s/ L. Mena-Sanchez
28 Deputy Clerk